

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

## ANNIE KRAH,

Plaintiff,

V.

**DDR CORP.**

and

**KATSAM, LLC**

Defendants.

**Cause No.: 4:15-cv-00887-DDN**

## FIRST AMENDED COMPLAINT

COMES NOW Plaintiff, Annie Krah, by and through her undersigned attorney,  
and for her cause of action against Defendants DDR Corp. and Katsam LLC, states the  
following:

1. Plaintiff Annie Krah is a citizen and resident of Jefferson County, Missouri.
2. Defendant DDR Corp. is a corporation in good standing in the State of Missouri, with its principal place of business located in the State of Ohio, and the owner of the property located at 3835 Vogel Rd Arnold, Missouri 63010.
3. Defendant Katsam, LLC is a limited liability company in good standing in the State of Missouri, with its principal place of business located in the State of Missouri, and the street sweeping vendor for the property located at 3835 Vogel Rd Arnold, Missouri 63010.
4. On or about October 28, 2014, Plaintiff was a guest at the premises identified in paragraphs 2 and 3, above, when she was injured after her shopping cart fell into a hole

that was obstructed by the items in the shopping cart, causing Plaintiff to fall to the ground.

**COUNT I - DEFENDANT DDR CORP.**

5. As a guest at Defendant DDR Corp.'s premises, Plaintiff Annie Krah enjoyed the status of an invitee.

6. The pothole was a dangerous condition on Defendant's property at the time of Plaintiff's injury in that Defendant failed to exercise reasonable care to protect Plaintiff in one or more of the following respects:

- a) failure to properly and adequately keep invitees away from the pothole;
- b) failure to protect or warn Plaintiff about the pothole;
- c) failure to provide a safe means of ingress and egress at the site of the location where Plaintiff's injury occurred;
- d) negligently failing to remove the pothole.

7. The dangerous condition of the path created a reasonably foreseeable risk of harm of the kind of injury which occurred to Plaintiff.

8. The dangerous condition needlessly endangered the public and those using Defendant's premises.

9. Defendant, through its agents and employees knew or should have known of this dangerous condition in sufficient time prior Plaintiff's injury to have taken measures to protect Plaintiff against this dangerous condition.

10. Prior to encountering the pothole, Plaintiff was not aware of the dangerous condition.

11. Defendant had the obligation to maintain its premises in a reasonably safe condition, yet failed to do so.

12. As a direct and proximate result of Defendant DDR Corp.'s negligence, Plaintiff sustained serious injuries to his body.

13. Plaintiff has sustained, and will in the future sustain, damages for medical bills and costs relating to medical treatment for her injuries.

14. Plaintiff has suffered pain and suffering in the past and will do so in the future.

**COUNT II – DEFENDANT KATSAM, LLC**

15. At the time of the incident at issue in this case, Defendant Katsam, LLC was the street sweeping vendor hired to clear the parking lot of the premises identified, above.

16. The pothole was a dangerous condition that Defendant Katsam, LLC knew or should have known about.

17. Because Katsam, LLC knew or should have known about the pothole given the fact that it was hired to clean and otherwise maintain the parking lot, it should have taken steps to inform DDR Corp.'s agents or employees about the dangerous condition.

18. Katsam, LLC failed to adequately warn about the dangerous condition identified, above, so as to create a reasonably foreseeable risk of harm of the kind of injury which occurred to Plaintiff.

19. The dangerous condition needlessly endangered the public and those using the premises.

20. Prior to encountering the pothole, Plaintiff was not aware of the dangerous condition.

21. Defendant Katsam, LLC was hired to sufficiently maintain the premises in a reasonably safe condition, yet failed to do so.

22. As a direct and proximate result of Defendant's negligence, Plaintiff sustained serious injuries to his body.

23. Plaintiff has sustained, and will in the future sustain, damages for medical bills and costs relating to medical treatment for her injuries.

24. Plaintiff has suffered pain and suffering in the past and will do so in the future.

**WHEREFORE**, Plaintiff Annie Krah prays for judgment against Defendants DDR Corp. and Katsam, LLC in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), that will fairly and reasonably compensate her for her injuries and damages, for the losses she has sustained and will sustain in the future, for the cost of these proceedings, and for any further just and proper relief.

RESPECTFULLY SUBMITTED,

THE GOGEL LAW FIRM,

*/s/ Jeremy A. Gogel*

---

Jeremy A. Gogel, #61866  
4542 West Pine Boulevard  
St. Louis, Missouri 63108  
Phone: (314) 775-3864  
Fax: (314) 531-1069  
Email: [jeremy@gogellawfirm.com](mailto:jeremy@gogellawfirm.com)

**Attorney for Plaintiff**